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APR 26 2004

In re Application of :
Goineau et al. :
Application No. 08/863,113 :
Filed: May 27, 1997 :
Attorney Docket No. 1974A :

OFFICE OF PETITIONS
ON PETITION

This decision concerns the September 24, 2003 petition under 37 CFR 1.137(b).

The petition is **GRANTED**.

On August 18, 1998, a final Office action was mailed, rejecting all of the pending claims in the application (Claims 11-18).

On August 27, 1998, a Notice of Appeal was filed, followed by an Appeal Brief filed on September 14, 1998.

On September 25, 2001, the USPTO Board of Patent Appeals and Interferences (“Board”) in essence affirmed the Examiner’s decision to reject Claims 11-18.

Applicants did not, within 2 months of September 25, 2001, file a request for rehearing by the Board or seek judicial review of the Board decision. Given that no claims stand allowed, the proceedings in this application were terminated as of November 26, 2001.¹ Consequently, the application also became abandoned on November 26, 2001.²

The instant petition encloses a Request for Continued Examination (RCE) and a “Response to Office Action” as the “submission” required by 37 CFR 1.114(c); authorizes the USPTO to charge the \$1,330 petition fee and the \$770 RCE filing fee to Deposit Account No. 04-0500; and states in effect that the entire delay in seeking to revive this application was unintentional. The petition is thus granted.

The application is hereby revived for establishing continuity with the RCE.

¹ MPEP 1214.03, 1214.06(I) (Rev. 1, Feb. 2003).

² *Id.*

Finally, the petition, filed by Assignee, uses a correspondence address different from that in the USPTO record for this application. While a courtesy copy of this decision is being sent to the address indicated in the petition, all future correspondence on this application will be mailed to the address-of-record unless the USPTO is properly instructed otherwise.

The application file is being forwarded to Technology Center 3700 for further examination.

Telephone inquiries on this decision should be directed to the undersigned at (703) 308-0763.

hcf

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